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JAN 15 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

January 15, 1993

HAND DELIVERED

Ms. Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

ATTENTION: Rules & Policy Division (Stop Code 1800D)  
Mass Media Bureau

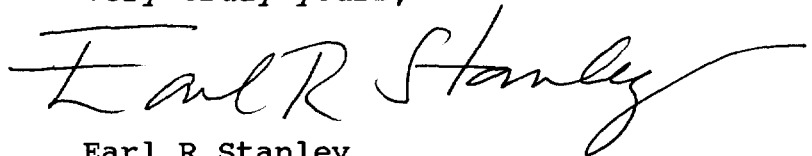
Dear Ms. Searcy:

There are transmitted herewith on behalf of Old Belt Broadcasting Corporation an original and four copies of a Petition for Rulemaking to change the class designation of FM Channel 255, South Hill, Virginia from 255A to 255C3 and to modify the license of Station WSHV(FM) accordingly.

There is no filing fee for the submission of this petition.

Should additional information be needed, kindly communicate with this office.

Very truly yours,



Earl R Stanley  
WILKINSON, BARKER, KNAUER & QUINN

Counsel for  
Old Belt Broadcasting Corporation

Enclosures

No. of Copies rec'd  
List A B C D E

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

RECEIVED

JAN 15 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b) )  
Table of Allotments )  
FM Broadcast Stations )  
(South Hill, )  
Virginia) )

To: The Commission

PETITION FOR RULEMAKING

Old Belt Broadcasting Corporation ("Old Belt"), by its counsel, pursuant to Section 1.401 and 1.420(g) of the Commission's rules, respectfully requests the commencement of a rule-making proceeding looking toward amending Section 73.202(b) of the rules, as follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
South Hill, Virginia	255A	255C3

Old Belt is the licensee of Station WSHV(FM), South Hill, Virginia, which is currently operating on Channel 288A with 3 kilowatts power and an antenna height above average terrain of 100 meters at South Hill, Virginia. On December 1, 1992 the Commission issued a Report and Order in MM Docket No. 92-128 (RM 8002) amending Section 73.202(b) of the rules so as, inter alia,

to allot Channel 255A to South Hill and ordered modification of the license of Station WSHV to specify operation on that channel in lieu of Channel 288A.<sup>1/</sup>

In this petition, Old Belt seeks to change the class designation of Channel 255 from A to C-3; no other changes in the FM table of allotment are required. Old Belt also requests further modification of the license of Station WSHV so as to specify operation on Channel 255C3.

Attached in support of this petition is a Technical Statement prepared for Old Belt by Bromo Communications, Inc., a recognized consulting engineering firm. This statement shows that a class C-3 designation of Channel 255 will enable Station WSHV to operate with an effective radiated power of 25.0 kilowatts at specified coordinates (North Latitude 36° 48' 11" and West Longitude 78° 08' 45") resulting in 1 mv/m service over an area of 4,784 square kilometers encompassing a population of 61,715 persons representing a 165% gain in area and a 176% gain in population over the areas and populations that Station WSHV serves with class A facilities. Bromo Communications Inc. also demonstrates that the requested class C-3 designation of Channel 255 is in full compliance with the separation, coverage and all other requirements of the Commission's rules.

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<sup>1/</sup> A copy of Commission's Report and Order in MM Docket No. 92-128 is attached.

The reclassification of Channel 255, as requested herein, will permit a more efficient use of that channel, will result in new FM broadcast service to 39,424 persons and in improved FM service for 22,391 persons in the important South Hill-Mecklenburg County areas of Virginia. The requested change will serve both the interests of the people in these areas of Virginia, and the larger public interest inherent in the Communications Act of 1934, as amended, and the Commission's rules.

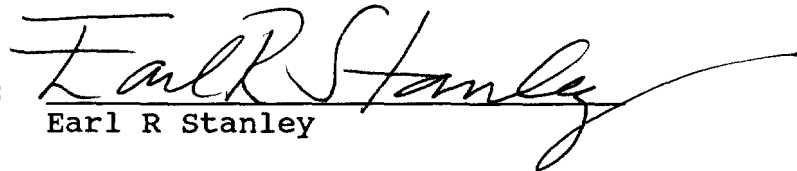
If the instant petition receives favorable consideration by the Commission and, after rulemaking and comment, the Table of FM Allotments is amended as requested herein, and the license of Station WSHV is modified to specify operation on the higher class channel, Old Belt will submit the necessary FCC applications required for such modification and will thereafter begin operating on Channel 255C3 as soon as possible.

For the above reasons, the Commission is requested to institute a rule making proceeding (1) to amend Section 73.202(b) of its rules (Table of FM Allotments) to change the class designation of Channel 255A to Channel 255C3 at South Hill, Virginia, and (2) to modify the license of Station WSHV(FM) to reflect this change.

Respectfully submitted,

OLD BELT BROADCASTING CORPORATION

By:

A handwritten signature in dark ink, appearing to read "Earl R Stanley", written over a horizontal line.

Earl R Stanley

WILKINSON, BARKER, KNAUER & QUINN  
1735 New York Avenue, N.W.  
Washington, DC 20006  
(202) 783-4141

Its Counsel

Dated: January 15, 1993

Before the  
Federal Communications Commission  
Washington, D.C. 20554

MM Docket No. 92-128

In the Matter of

Amendment of Section 73.202(b), RM-8002  
Table of Allotments,  
FM Broadcast Stations.  
(South Hill and  
Lawrenceville, Virginia)

**REPORT AND ORDER**  
(Proceeding Terminated)

Adopted: November 12, 1992; Released: December 1, 1992

By the Chief, Allocations Branch:

1. At the request of Old Belt Broadcasting Corporation ("petitioner"), licensee of Station WSHV-FM, South Hill, Virginia, the Commission has before it the *Notice of Proposed Rule Making and Order to Show Cause*, 7 FCC Rcd 3942 (1992), proposing the exchange of channels between Station WSHV-FM, Channel 288A, South Hill, Virginia, and Station WHFD-FM, Channel 255A, Lawrenceville, Virginia, and the modification of authorizations of both stations. In order to accommodate the proposed channel exchange, an *Order to Show Cause* was issued to William Carlton Link ("Link"), permittee of Station WHFD-FM, Channel 255A, Lawrenceville, Virginia. Petitioner filed comments reiterating its intention to apply for Channel 255A at South Hill and also to reimburse Link for the reasonable costs associated with the change in channel at Lawrenceville, Virginia. Link filed comments supporting the proposed channel change. No other comments were received.

2. We believe the public interest would be served by the exchange of channels between Station WSHV-FM, South Hill, and Station WHFD-FM, Lawrenceville, Virginia, since it could provide both communities with an improved FM service. Channel 255A can be allotted to South Hill, Virginia, and Channel 288A can be allotted to Lawrenceville, Virginia, in compliance with the Commission's minimum distance separation requirements and can be used at the transmitter sites specified in Station WSHV-FM's and Station WHFD-FM's authorizations, respectively.<sup>1</sup> As requested, we will also modify Station WSHV-FM and Station WHFD-FM's authorizations to specify operation on Channel 255A and Channel 288A, respectively.

3. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective January 15, 1993, the FM Table

of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

City	Channel No.
South Hill, Virginia	255A
Lawrenceville, Virginia	288A

4. IT IS FURTHER ORDERED, pursuant to Section 316(a) of the Communications Act of 1934, as amended, that the license of Old Belt Broadcasting Corporation, for Station WSHV-FM, South Hill, Virginia, IS MODIFIED to specify operation on Channel 255A, in lieu of Channel 288A, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301).

(b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620.

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

5. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the construction permit of William Carlton Link, for Station WHFD-FM, Lawrenceville, Virginia, IS MODIFIED to specify operation on Channel 288A in lieu of Channel 255A, subject to the following conditions:

(a) Nothing contained herein shall be construed as authorizing any change in Station WHFD-FM's construction permit, BPH-910607JL, except the channel as specified above. Any other changes, except those so specified under Section 73.1690 of the Rules, require prior authorization pursuant to an application for construction permit (FCC Form 301).

(b) Program tests may be conducted in accordance with the provisions of Section 73.1620 of the Rules, PROVIDED the transmission facilities comply in all respects with construction permit BPH-910607JL, except for the channel as specified above and a license application (FCC Form 302) is filed within 10 days of commencement of program tests.

6. IT IS FURTHER ORDERED, That the Secretary shall send a copy of this *Report and Order* by Certified Mail, Return Receipt Requested, to the permittee of Station WHFD-FM, as follows: William Carlton Link, Route 1, Box 16, Highway 58 East, Lawrenceville, Virginia 23868.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

<sup>1</sup> The coordinates for Channel 255A at South Hill are North Latitude 36-44-39 and West Longitude 78-09-42. The coordinates

for Channel 288A at Lawrenceville are North Latitude 36-45-10 and West Longitude 77-51-49.

8. For further information concerning this proceeding, contact Pamela Blumenthal, Mass Media Bureau, (202) 634-6530.

FEDERAL COMMUNICATIONS COMMISSION

Michael C. Ruger  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

DEC 3 1992

REQUEST FOR RULE MAKING  
OLD BELT BROADCASTING CORPORATION  
WSHV RADIO STATION  
SUBSTITUTE CHANNEL 255C3 FOR 255A  
SOUTH HILL, VIRGINIA  
January 1993

Technical Exhibit  
TE-1

Bromo Communications, Inc.  
P.O. Box M - 1331 Ocean Boulevard, Suite 201  
St. Simons Island, Georgia 31522  
(912) 638-5608

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REQUEST FOR RULE MAKING  
OLD BELT BROADCASTING CORPORATION  
WSHV RADIO STATION  
SUBSTITUTE CHANNEL 255C3 FOR 255A  
SOUTH HILL, VIRGINIA  
January 1993

TECHNICAL STATEMENT

This Technical Statement and attached exhibits were prepared on behalf of Old Belt Broadcasting Corp. ("Old Belt"), licensee of Radio Station WSHV, South Hill, Virginia, and support its Petition for Rule Making. Old Belt proposes to substitute Channel 255C3 for Channel 255A at South Hill, Virginia. No other changes of the Table of Allotments are required.

PROPOSAL

Old Belt requests that Channel 255C3 be allotted to South Hill, Virginia, at the following reference coordinates: North Latitude 36° 48' 11" and West Longitude 78° 08' 45. These reference coordinates clear all of the allocation requirements of §73.207. This specified site is needed to clear WDRP, Windsor, North Carolina, and WKSI, Greensboro, North Carolina. Please note that WLCQ, Clarksville, Virginia, has been ordered in Docket #91-323 to vacate Channel 252A. Subsequently, Clarksville Broadcasting

Company, licensee of WLCQ, filed 920720IA for the new WLCQ Class C3 facility. This application was granted on November 18, 1992. Because of the order for WLCQ to vacate 252A, WLCQ was not considered in the WSHV allocation study as a Class A, but only as a Class C3.

The site is 8.57 kilometers and a direction of 351.5 degrees from the listed coordinates of South Hill, Virginia. From the proposed allocation coordinates, Channel 255C3 will provide a 3.16 mV/m signal over all of South Hill, Virginia.

Exhibit #1 is the §73.207 Allocation Study for Channel 255C3. Exhibit #2 visually demonstrates the area that would accommodate Channel 255C3 and remain a South Hill licensed station.

#### PUBLIC INTEREST

Presently WSHV is licensed to operate with 3.0 kilowatts effective radiated power ("ERP") at a height above average terrain ("HAAT") of 100 meters. An improved Class C3 WSHV would operate with 25 kilowatts ERP with the same HAAT. The present WSHV 1.0 mV/m contour provides coverage to 1,802.3 square kilometers and 22,391 persons. This compares to 4,784.8 square kilometers and 61,715 persons of the improved WSHV.

## REQUEST

Old Belt proposes the following changes to §73.202(b)  
of the Commission's rules:

### South Hill, Virginia

Present

255A

Proposed

255C3

When Channel 255C3 is allotted to South Hill, Virginia, Old Belt will, on a timely basis, file the appropriate form to become licensed at the new power level.

The foregoing Technical Statement was prepared on behalf of Old Belt Broadcasting Corporation by Bromo Communications, Inc., its Technical Consultant. We have tried to be as accurate as possible in the preparation of this report. Should there be any question concerning the information contained herein, we welcome the opportunity to discuss the matter by phone (912) 638-5608.

South Hill Virginia  
Searching at C3 Reference

REFERENCE		DISPLAY DATES
36 48 11 N	CLASS C3	DATA 11-25-92
78 08 45 W	Current rules spacings	SEARCH 01-11-93
----- CHANNEL 255 - 98.9 MHz -----		

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
* AD255	255A	South Hill	VA	192.1	6.67	142.0	-135.33 *
AD	36 44 39	78 09 42	0.000 kW	0M	4.2	88.3	
Old Belt Broadcasting Corporation					RM8002		
>PRM-Site Restricted 3.3KM Northwest							
+ WHFD.C	255A	Lawrenceville	VA	102.5	25.81	142.0	-116.19 *
CP CN	36 45 10	77 51 49	3.000 kW	47M	16.0	88.3	
William Carlton Link					BPH910607JI		
DE255	255A	Lawrenceville	VA	102.5	25.81	142.0	-116.19 *
DE	36 45 10	77 51 49	0.000 kW	0M	16.0	88.3	
Old Belt Broadcasting					RM8002		
>PRM							
WDRP	255A	Windsor	NC	134.3	142.48	142.0	0.48 <
LI CN	35 54 25	77 00 32	6.000 kW	100M	88.6	88.3	
PS&W Enterprises, Inc.					BMLH900418KC		
WKSI	254C	Greensboro	NC	238.4	176.77	176.0	0.77 <
LI CN	35 58 09	79 49 29	100.000 kW	316M	109.9	109.4	
WCCB-TV, Inc.					BLH890126KF		
WSLQ	256C	Roanoke	VA	283.7	184.14	176.0	8.14
LI CY	37 11 41	80 09 22	200.000 kW	607M	114.4	109.4	
Mel Wheeler, Inc.					BMLH830922AA		
>GRANDFATHERED AT 200KW @ 607M HAAT							
WLCQ.A	252C3	Clarksville	VA	252.2	52.49	43.0	9.49
AP CN	36 39 29	78 42 19	25.000 kW	100M	32.6	26.7	
Clarksville Broadcasting Co.					BPH920720IA		
>From channel 252A Per D91-323							

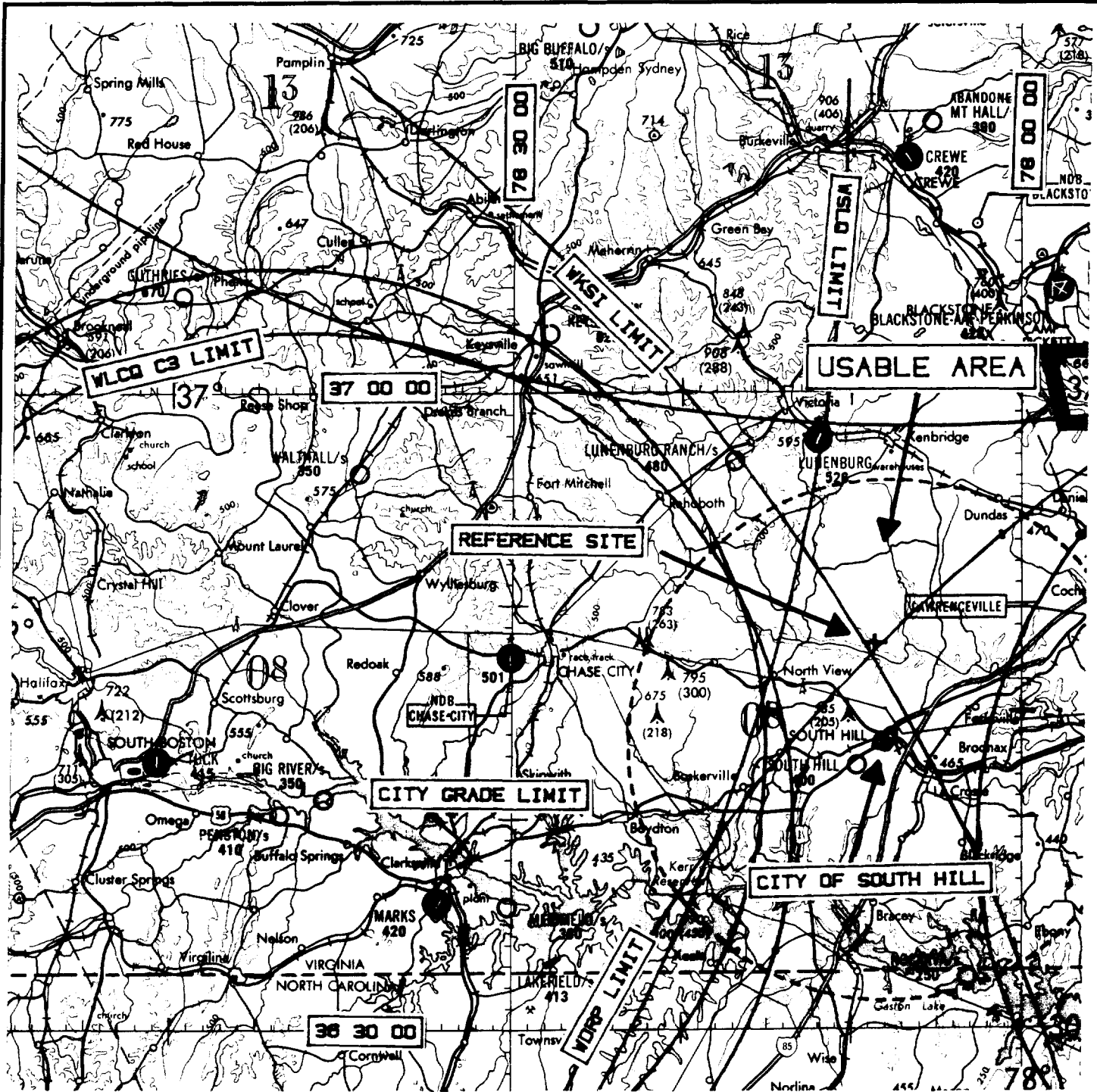
**C3 ALLOCATION STUDY**

- \* SUBJECT STATION
- + ORDERED TO 288A IN DOCKET 92-128

**EXHIBIT #1**

REQUESTED FOR RULE MAKING  
OLD BELT BCSTG. COMPANY  
WSHV RADIO STATION  
SUBSTITUTE 255C3 FOR 255A  
SOUTH HILL, VIRGINIA  
JANUARY 1993

**BROMO**  
**COMMUNICATIONS**  
BROADCAST  
TECHNICAL CONSULTANTS  
St Simons Island, Georgia      Washington, D.C.



### 255C3 USABLE AREA

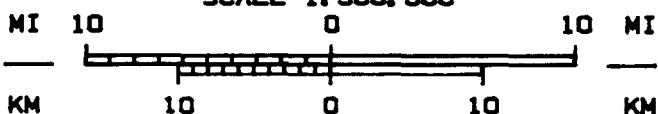
REFERENCE SITE:  
36 48 11 NORTH LATITUDE  
78 08 45 WEST LONGITUDE

MAP IS TACTICAL PILOTAGE CHART G-21A-S

### EXHIBIT #2

REQUESTED FOR RULE MAKING  
OLD BELT BCSTG. COMPANY  
WSHV RADIO STATION  
SUBSTITUTE 255C3 FOR 255A  
SOUTH HILL, VIRGINIA  
JANUARY 1993

SCALE 1:500,000



**BROMO**  
COMMUNICATIONS

BROADCAST  
TECHNICAL CONSULTANTS

St Simons Island, Georgia

Washington, D.C.

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

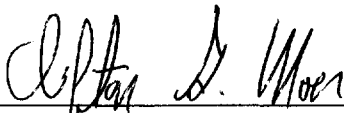
State of Georgia       )  
St. Simons Island     )               ss:  
County of Glynn       )

CLIFTON G. MOOR being duly sworn, deposes and says that he is an officer of Bromo Communications, Inc. Bromo has been engaged by Old Belt Broadcasting Corporation, licensee of Radio Station WSHV to prepare the attached Technical Exhibit.


His qualifications are a matter of record before the Federal Communications Commission. He has been active in broadcast engineering since 1966.

The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

*This the 12th day of January, 1993.*

  
\_\_\_\_\_  
CLIFTON G. MOOR  
Affiant

Sworn to and subscribed before  
me this the 12th day of January, 1993.

  
\_\_\_\_\_  
Notary Public, State of Georgia  
My Commission Expires: September 8, 1995

**CERTIFICATE OF SERVICE**

I, Mary Jane Adcock, a secretary with the law firm of Wilkinson, Barker, Knauer & Quinn, certify that on this 15th day of January, 1993, a copy of the foregoing "Petition for Rulemaking" was served by hand delivery upon:

Mr. Douglas W. Webbink, Chief  
Rules and Policy Division  
Federal Communications Commission  
2025 M Street, N.W., Room 8010  
Washington, D.C. 20554

Mary Jane Adcock